

AN ACT to amend Tennessee Code Annotated, Section 8-30-208, relative to the employment rights of state employees in the career service.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-30-208, is amended by adding the following new subsections at the end of the section:

(f)(1) A career service employee who becomes an executive service employee shall, upon termination from such executive service position, have the right to be reassigned to a career service position within the same department or agency or if necessary, another department or agency. The reassignment shall be at the same classification and salary as the most recent career service position., and the salary shall include all across-the-board pay increases occurring since placement in the position designated as executive service.

(2) A career service employee who has more than ten (10) consecutive years of service, and who becomes an executive service employee, shall upon termination from such executive service position, have the right to be reassigned to a career service position within the same department or agency or if necessary another department or agency. This employment right applies only when the employee held a career service position the immediately preceding twelve (12) months before the executive service appointment. The reassignment shall be at the same classification and salary, including all across-the-board pay increases occurring since placement in the executive service position, as the most recent career service position held. The newly assigned position

shall, at the option of the employee, be within a twenty-five (25) mile radius of the former executive service position.

(3) A person occupying a position in the executive service who is terminated from the position for gross misconduct or malfeasance does not have the right of reassignment to a position in the career service established by this subsection.

(g)(1) If a career service employee's position is reclassified as part of the executive service, such person shall maintain his or her position with an incumbent's rights in the career service.

(2) If such person ceases to hold the reclassified position through promotion, demotion, resignation, or otherwise, the position will be part of the executive service as reclassified by the commissioner.

SECTION 2. This act shall be prospective in application, and this act shall also apply to any career service employee who became an executive service employee on or after June 1, 1995.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.